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## SENATE BILL No. 369

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-15-10.

**Synopsis:** Whistle blower protections for DOC employees. Includes employees of the department of correction (DOC) who report violations of department directives, policies, or other internal guidelines within the scope of the current whistle blower statute. Defines "employer" for purposes of enforcing the whistle blower statute. (The introduced version of this bill was prepared by the corrections matters evaluation committee.)

**Effective:** July 1, 2001.

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### Bowser

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January 18, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-15-10-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this
- 3 chapter:
- 4 "Agency" means any state administration, agency, authority, board,
- 5 bureau, commission, committee, council, department, division,
- 6 institution, office, service, or other similar body of state government
- 7 created or established by law. However, the term does not include state
- 8 colleges and universities.
- 9 "Appointing authority" means the individual or group of individuals
- 10 who have the power by law or by lawfully delegated authority to make
- 11 appointment to a position in an agency.
- 12 "Employee" means an employee of an agency except an elected
- 13 official.
- 14 "Employer" means the individual or individuals who have
- 15 authority to effectively recommend or implement any function
- 16 described in section 4(c) of this chapter.
- 17 "Supervisor" means an individual who oversees the daily activity of

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an employee.

SECTION 2. IC 4-15-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Any employee may report in writing the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or
- (4) the misuse of public resources;

first to a supervisor or appointing authority, unless the supervisor or appointing authority is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the supervisor or appointing authority or to the state ethics commission and any official or agency entitled to receive a report from the state ethics commission under IC 4-2-6-4(b)(2)(G) or IC 4-2-6-4(b)(2)(H). If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or organization.

**(b) In addition to making a report described in subsection (a), an employee of the department of correction may report in writing the existence of a violation of a department directive, policy, or other internal guideline or procedure as provided in subsection (a).**

**(c)** For having made a report under subsection (a) **or (b)**, the employee making the report may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion the employee otherwise would have received; or
- (5) be demoted.

~~(c)~~ **(d)** Notwithstanding subsections (a), ~~and~~ (b), **and (c)**, an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employee's appointing authority or the appointing authority's designee. However, any state employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedure as set forth in IC 4-15-2-34 and IC 4-15-2-35.

~~(d)~~ **(e)** An employer who violates this section commits a Class A



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